



FACTS ABOUT THE AMERICANS WITH DISABILITIES ACT

Title I and Title V of the Americans with Disabilities Act of 1990, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, advancement, compensation, job training, and other terms, conditions and privileges of employment. **Disability discrimination laws do not merely prohibit discrimination against people with disabilities. They impose additional affirmative obligations upon businesses to accommodate the needs of people with disabilities and to facilitate their economic independence.** A person is considered disabled if he/she:

- ∴ Has a physical or mental impairment that limits one or more of the major life activities;
- ∴ Has a record of such an impairment;
- ∴ Is regarded as having such an impairment;
- ∴ Is regarded or treated by the employer as having some condition that has no present effect but may become a physical disability; or
- ∴ Has any health impairment that requires special education or related services.

Examples of physical or mental impairments include, but are not limited to:

- ∴ Contagious and non-contagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments;
- ∴ Cerebral palsy;
- ∴ Epilepsy;
- ∴ Muscular dystrophy;
- ∴ Multiple sclerosis;
- ∴ Cancer;
- ∴ Heart disease;
- ∴ Diabetes;
- ∴ Mental retardation;
- ∴ Emotional illness;
- ∴ HIV disease;
- ∴ Tuberculosis;
- ∴ Specific learning disabilities;
- ∴ Drug addiction; and
- ∴ Alcoholism.

A qualified individual with a disability is an individual whom with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but not limited to:

- ∴ Making existing facilities used by employees readily accessible to and usable by persons with disabilities;

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- ∴ Job restructuring, modifying work schedules, reassignment to vacant position;
- ∴ Acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources and the nature and structure of its operation.

Disability discrimination laws do not require an employer to make any modification, adjustment, or change in a job or policy that an employer can demonstrate would fundamentally alter the essential functions of the job in question.

MEDICAL EXAMINATIONS AND INQUIRIES

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination or inquiry, but only if the examination or inquiry is required for all entering employees in the job. Medical examinations or inquiries of employees must be job related and consistent with the employer’s business needs.

DRUG AND ALCOHOL ABUSE

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Test for illegal drugs are not subject to the ADA restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

FILING A CHARGE

Charges of employment discrimination on the basis of disability, based on actions occurring on or after July 26, 1992, may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most telephone directories under U.S. Government.

Individuals who have been discriminated against on the basis of a disability are entitled to a remedy that will place them in the position they would have been in if the discrimination had never occurred. They may be entitled to hiring, promotion, reinstatement, back pay or other remuneration, or reasonable accommodation including reassignment. They may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may be available, as well, if an employer acted with malice or reckless indifference. They may also be entitled to attorney’s fees.

Issues or concerns pertaining to the above should be immediately addressed by the Hiring Compliance Officer or the Office of Human Resources.

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